

REMARKS

Applicant wishes to thank the examiner for his time to discuss this application on November 20, 2003. In the outstanding office action, claims 1-14 were presented for examination. Claim 8 was objected to and claim 5 was rejected under 35 U.S.C. §112. Claims 1-7, 10 and 11 were rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 5,709,966 issued to Swada et al. Claims 1, 7, 8, 10 and 11 were rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 4,346,151 issued to Uba et al. and claim 9 was rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 4,532,194 issued to Liautaud et al. Claims 2-6 and 12-14 were rejected variously under 35 U.S.C. §103 in view of Swada et al. and Uba et al.

Claims 2, 3, 4, 10, 11, 13 and 14 have been cancelled thereby rendering any rejections with regard to the same as being moot.

Applicants respectfully submit that claims 1, 9 and 12, as amended, are allowable over Swada et al., Uba et al. and Liautaud et al. as the same fail to teach or disclose all of the limitations of claims 1, 9 and 12. Claim 1 which, as amended, is directed to a battery comprising among other elements “a battery housing ... being configured to receive and engage a plurality of cells each having a cell housing” and each cell housing having “a positive plate” with a positive post and a “negative plate” with a negative post “wherein said cell housings are disposed in said battery housing such that each of said positive posts and said negative posts are positioned to protrude in the same direction” and “an inner cover being configured to be received within said battery housing and cover said positive and negative plates, said inner cover having a plurality of retaining walls each defining a plurality of receiving areas for receiving a portion of one of said positive posts passing through an opening in said inner cover and an adjacent negative post passing through another opening in said inner cover; and a plurality of lead inserts being disposed in said plurality of receiving areas, said plurality of lead inserts being configured to allow a tip portion of said portion of one of said positive posts to pass through and a tip portion of said portion of one of said negative posts to pass through, wherein said tip portions are welded to said plurality of lead inserts after they are positioned in said plurality of receiving areas”.

Applicants respectfully submit that such an arrangement is clearly not disclosed, shown or taught by Swada et al. and Uba et al. therefore, claim 1, as amended, is believed to be allowable of the aforementioned references.

Claim 9 which, as amended, is directed to a battery and battery cell assembly comprising among other elements a plurality of outer housings for each cell, each outer housing being configured to be received within the battery housing “wherein a positive post of the battery cell is arranged on one side ... and a negative post of the battery cell is arranged on another side” of the same end portion and “the plurality of outer housings are inserted into the battery housing in an alternating arrangement such that said positive post and said negative post of each battery cell are arranged such that each positive post is adjacent to a negative post of an adjacent battery cell”. Applicants respectfully submit that such an arrangement is clearly not disclosed, shown or taught by Liautaud et al. therefore, claim 9, as amended, is believed to be allowable of the aforementioned references.

Claim 12 which, as amended, is directed to a method for assembling a battery having a plurality of battery cells comprising among other elements “inserting a plurality of cells into the battery housing” wherein a positive post and a negative post protrude from the same side of each cell and the battery housing has an internal configuration for receiving and engaging a complementary external configuration of the cell housings, wherein each cell is disposed in an alternating fashion such that each positive post of each cell is adjacent to a negative post of another cell; and electrically connecting the cells in series by positioning a cover over the plurality of cells wherein each positive post of each cell is received within a receiving area defined by a plurality of walls of said cover a plurality of lead insert are used for electrically connecting the plurality of cells. Applicants respectfully submit that such an arrangement is clearly not disclosed, shown or taught by Swada et al. and Uba et al. therefore, claim 12, as amended, is believed to be allowable of the aforementioned references.

Claims 5-7 have been amended to provide proper antecedence with respect to claim 1, as now amended, as well as the canceling of claim 2. Claims 5-7 have been amended to merely make explicit what was implicit in dependent claims 5-

7 as originally submitted. Claim 8 was amended to correct a minor typographical error wherein "the" on line 2 was changed to --be--.

New claims 15-26 have been added to claim particular aspects of the present invention. Support for new claims 15 and 16 is at least found page 8 line 30 through page 9 line 2 of the application as filed thus, no new subject matter has been added. Claims 15 and 16 depend either directly or indirectly from claim 12 and are believed to be allowable for at least the same reasons as claim 12 as well as including additional limitations. Support for new claims 17-26 is at least found in the specification and figures of the application as filed thus, no new subject matter has been added.

In addition, applicant has amended relevant portions of the specification on page 9 to correct minor typographical errors. No new subject matter has been added.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0831.

Respectfully submitted,

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